

MEMORANDUM

June 27, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Claim of Ken Estes

DATE OF
INCIDENT: January 13, 2003 to February 2, 2004

AUTHORITY
REQUESTED: \$30,056.86


COUNTY
DEPARTMENT: Department of Parks and Recreation

CLAIMS BOARD ACTION:

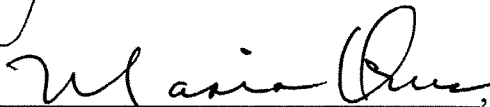
☒ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on July 18, 2005

SUMMARY

This is a recommendation to settle for \$30,056.86 a claim filed by Ken Estes, who alleges that he incurred unnecessary expenses when the Department of Parks and Recreation required him to include an equestrian trail in the development plans of his property in Acton, and then later rescinded the trail requirement.

LEGAL PRINCIPLE

A public entity is responsible for the negligent and intentional acts of its employees, when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

In January 2003, Ken Estes was in the process of developing his property in Acton. During the preparation of parcel maps to develop the property, the Department of Parks and Recreation ("Department") required Mr. Estes to include an equestrian trail on the property.

In light of the equestrian trail requirement, Mr. Estes incurred considerable expenses re-calculating and re-drawing the parcel maps. In addition, the trail could not be within a certain distance from existing wells, which required Mr. Estes to hire contractors to locate existing wells and find locations for new ones.

On February 2, 2004, the Department rescinded the requirement for the equestrian trail, when it determined that trails could not be required unless they were on the original master plan of trails. The trail the Department had required for Mr. Estes property was not on the original master plan.

DAMAGES

Should this matter proceed to litigation, we estimate the potential damages related to Mr. Estes' unnecessary expenses could be as follows:

Mapping and project management	\$ 50,000
Drilling services	<u>\$ 17,000</u>
Total	<u>\$ 67,000</u>

The proposed settlement calls for the County to pay \$30,056.86 to Mr. Estes for all of his claims for damages, costs and attorney's fees.

STATUS OF CASE

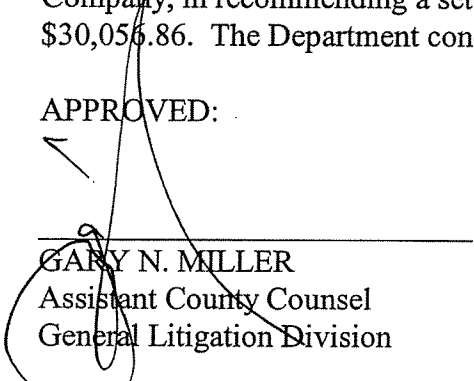
This matter is at the claim stage. The County has not incurred any attorney's fees or costs to date.

EVALUATION

Mr. Estes incurred substantial expenses in an effort to comply with the Department's requirement to include an equestrian trail on his property. One year later, the Department rescinded its requirement, because the new trail was not on the original master plan of trails. A reasonable settlement at this time will avoid litigation costs and a potential verdict that would likely exceed the proposed settlement.

We join with our third-party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$30,056.86. The Department concurs in this settlement recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

RHG:scr